

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DERRICK M. JOHNSON,

Plaintiff,

v.

02-CV-1277

JAMES F. NEWTON, et al.

Defendants.  
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THOMAS J. McAVOY  
United States District Judge

**DECISION and ORDER**

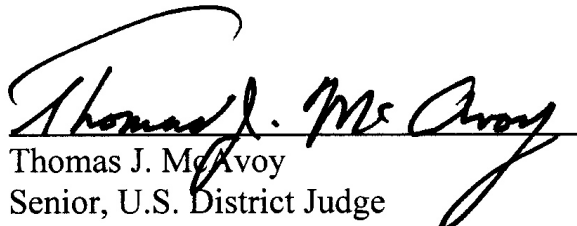
This matter brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. David R. Homer, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

No objections to the February 12, 2007 Report-Recommendation have been raised.

After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation for the reasons stated therein and GRANTS Defendants' motion for summary judgment. The Clerk of the Court shall close the file in this matter.

IT IS SO ORDERED.

Dated: March 14, 2007

  
Thomas J. McAvoy  
Senior, U.S. District Judge